

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TERRY D. BURRIS, JR.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-10-60-M
	)	
JANE STANDIFIRD, WARDEN,	)	
	)	
Respondent.	)	

**ORDER**

On August 23, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action filed pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's Motion to Dismiss be granted and that the petition be dismissed based on procedural default. Petitioner was advised of his right to the object to the Report and Recommendation by September 13, 2010. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 23, 2010;
- (2) GRANTS respondent's Motion to Dismiss [docket no. 6]; and
- (3) DISMISSES the petition for a writ of habeas corpus based on procedural default.

**IT IS SO ORDERED this 21st day of September, 2010.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE